IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Regular Second Appeal No.177 of 2006

Date of decision: 14.12.2006

Bhag Singh

..... Appellant.

Versus

State Bank of Patiala and anr.

..... Respondents.

CORAM: HON'BLE MR. JUSTICE P.S. PATWALIA

Present:- Mr. Sanjay Jain, Advocate
for the appellant.

Mr. P.S. Arora,Advocate
for the respondents.

P.S. PATWALIA, J. (ORAL)

The present regular second appeal has been filed by the plaintiff against the concurrent findings recorded by the Courts below declining his claim for compassionate appointment.

Learned counsel for the appellant submits that his claim has been declined by the Courts below solely on the ground that since the plaintiff's mother was sanctioned pension at the rate of Rs.2,529.75 Ps. per month and also other terminal benefits, the plaintiff was not entitled to compassionate appointment. He states that in view of the Division Bench of this Court in **Balwan Singh v. Union of India and another 1998(4) RSJ 691** the said finding cannot be sustained.

I have heard learned counsel for the parties and have gone through the judgments of the courts below.

The plaintiff's father Banarsi Dass expired on 19.05.1999 at the age of 57 years. It has come in the evidence that Banarsi Dass was survived by three sons and daughters. Apart from the plaintiff, other two sons and daughters were married and the other two sons are employed in the Army. Even the plaintiff was married seven years prior to the death of Banarsi Dass. It has also come on the record that Banarsi Dass's widow was sanctioned pension by the bank amounting in a sum of Rs.2529.75 Ps. per month which she declined. Apart from this the learned trial Court has noted as under:-

> "Further his mother is getting family pension from two sources i.e. from the Army as well as from the bank and in all Rs.4670/- per month and further she is having a house. It is also clear that mother of the petitioner has received Rs.1,13,770/- as Gratuity, PF, Leave encashment etc. In view of these facts, certainly the petitioner is not entitled for employment of compassionate grounds because the financial condition of the petitioners family is good and he has sufficient means of livelihood. Thus in the circumstances, plaintiff has no right to claim appointment on compassionate ground as a matter of right from the bank."

After going through the facts of the case I do not find any merit in this Regular Second Appeal. It is apparent that the plaintiff's mother had been receiving pension from the army besides substantial terminal benefits

from the bank. It is also apparent that the plaintiff himself was married much prior to the death of his father. The plaintiff also could not prove before the Courts below that he was dependent upon his father. In view of this matter, I do not find any error in the findings recorded by the Courts below declining the claim of the plaintiff.

Notwithstanding the above I cannot lose sight of the fact that grant of compassionate appointment is to tide over the immediate financial crisis on account of the sudden death of the only bread earner in the family. The compassionate ground cannot be granted years after the death of the bread earner. In the present case Banarsi Dass had died in the year 1999 and by now a period of seven years has elapsed. Thus even on this ground I find that the plaintiff's claim for compassionate appointment is not made out.

For the aforesaid reasons I find no merit in this regular second appeal and the same is accordingly dismissed.

December 14, 2006 **(P.S. PATWALIA)**
dinesh **JUDGE**